

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SARA PICKETT,	:	Civil No. 1:24-CV-00537
	:	
Plaintiff,	:	
	:	
v.	:	
	:	(Magistrate Judge Bloom)
NORTH CHRISTOPHER MENGES,	:	
et al.,	:	
	:	
Defendants.	:	

ORDER

The background of this Order is as follows:

This is a civil rights action brought by the plaintiff, Sara Pickett (“Plaintiff”). One of the named defendants, Joshua Harshberger, Esquire (“Moving Defendant”), has filed a motion to dismiss and supporting brief, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (Doc. 5). Plaintiff, who is proceeding *pro se*, has not filed a response to that motion or sought an extension of time in which to do so.

Under Rule 7.6 of the Court’s Local Rules, an affirmative duty is imposed upon Plaintiff to respond to such motions. The Rule provides as follows:

Any party opposing any motion, other than a motion for summary judgment, shall file a brief in opposition within fourteen (14) days after service of the movant's brief, or, if a brief in support of the motion is not required under these rules, within seven (7) days after service of the motion. *Any party who fails to comply with this rule shall be deemed not to oppose such motion.* Nothing in this rule shall be construed to limit the authority of the court to grant any motion before expiration of the prescribed period for filing a brief in opposition. A brief in opposition to a motion for summary judgment and LR 56.1 responsive statement, together with any transcripts, affidavits or other relevant documentation, shall be filed within twenty-one (21) days after service of the movant's brief.

See M.D. L.R. Pa. 7.6 (emphasis added).

“Local Rule 7.6 can be applied to grant a motion . . . without analysis of the complaint's sufficiency ‘if a party fails to comply with the [R]ule after a specific direction to comply from the court[.]’” *Williams v. Lebanon Farms Disposal, Inc.*, No. 09-cv-01704, 2010 WL 3703808, *1 (M.D. Pa. Aug. 26, 2010) (footnote omitted) (quoting *Stackhouse v. Mazurkiewicz*, 951 F.2d 29, 30 (3d Cir. 1991)); *Moeck v. Pleasant Valley Sch. Dist.*, 844 F.3d 387, 390 n.4 (3d Cir. 2016) (noting that there may be cases where the failure of a party to oppose a motion will indicate that the motion is unopposed, such as where the party fails to comply with a local rule after a specific direction from the court, and, in such cases, the local rule may be invoked (citing *Stackhouse*, 951 F.2d at 30)). In other words, Plaintiff's

failure to comply with this Order may result in the Moving Defendant's motion being deemed unopposed and, ultimately, granted.

AND SO, this 30th day of May 2024, IT IS HEREBY ORDERED THAT any response to the Moving Defendant's motion (Doc. 5) shall be filed by Plaintiff **on or before June 13, 2024**. Moving Defendant may file a reply brief in accordance with the Court's Local Rules.

S/ Daryl F. Bloom

Daryl F. Bloom

United States Magistrate Judge